

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14592 of Larry Quillian, pursuant to Paragraph 8207.11 (3108 DCMR 11) of the Zoning Regulations, for a variance from the parking requirements (Sub-section 7202.1, 2101.1, DCMR 11) in a C-2-A District at premises 651 Pennsylvania Avenue, S.E., (Square 874, Lot 830).

HEARING DATE: June 10, 1987

DECISION DATE: July 1, 1987

FINDINGS OF FACT:

1. The subject property is located on the south side of Pennsylvania Avenue between 6th and 7th Streets and is known as premises 651 Pennsylvania Avenue, S.E. It is zoned C-2-A.

2. The lot is irregularly shaped and extends through the square to D Street on the south. The lot has a twenty foot frontage on both Pennsylvania Avenue and D Street.

3. The property is currently improved with a two-story row structure which occupies 100 percent of the lot.

4. The entire first floor and part of the second floor of the premises are currently used for a real estate sales office. The remainder of the second floor currently has a Certificate of Occupancy for a Proprietary School for four students and one instructor.

5. The applicant proposes to increase the capacity of the Proprietary School to twenty-four students and one teacher. The proposed increase in the number of students requires that the applicant provide two on-site parking spaces. The applicant does not propose to provide any parking spaces on-site because the existing structure occupies 100 percent of the subject lot. A variance of 100 percent is therefore required.

6. The proposed Proprietary School will provide the 45-hour prelicensing course which is required by the D.C. Real Estate Commission for Real Estate Brokers to be licensed in the District of Columbia. There are several schools approved for this type of training in the Metropolitan Area, however, the subject school is the only one located within the District of Columbia.

7. The proposed school will conduct only one 45-hour course at a time. The hours that the course will be given will vary according to demand. The hours could be configured in one of three ways:

- a. Two evenings and one Saturday morning for three weeks.
- b. Saturday only for six weeks.
- c. Three weekdays for two weeks.

8. The site is located within a commercially zoned strip with frontage and entrances on both Pennsylvania Avenue and D Street. Access to the proposed school will be from the D Street entrance.

9. The immediate area is characterized by small commercial uses fronting on Pennsylvania Avenue and R-4 residential uses along the majority of the D Street frontage.

10. The site is well served by public transportation. There are seven Metro bus routes serving the site directly along Pennsylvania Avenue. In addition, the Eastern Market Metro Station is located approximately one-half block east of the subject site.

11. There are several surface parking lots and parking garages in the immediate neighborhood. The operator contacted two parking facilities in the immediate area and was informed that two parking spaces could be leased in their facilities. The operator did not enter into a lease agreement with either facility because she felt that the full monthly price per space was excessive since the maximum use of the spaces would be forty five hours per month.

12. The operator testified that the number of students would probably not exceed twenty. The operator polled telephone inquiries regarding the course as to the mode of transportation the inquirer would use while attending the class and found that the majority of those polled would use public transportation or walk to the site.

13. The manager of the real estate sales office which occupies the first floor and part of the second floor of the subject premises testified in support of the application at the public hearing. He was of the opinion that the proposed use would have very little impact on the current parking situation in the area because the space which will be occupied by the Proprietary School on a limited basis was previously occupied by fourteen full-time real estate agents who parked on area streets on and off all day long.

14. The Capitol Hill Restoration Society, by letter dated June 8, 1987 and by representative at the public hearing, opposed the application for the following reasons:

- a. The subject property is located on the fringe of a residential area which is highly impacted by neighboring commercial areas.
- b. The major portion of the 600 block of D Street is residentially zoned and parking is extremely difficult for residents to obtain at any time of the day.
- c. The residential parking permit program does not provide protection after 6:30 p.m. when the area is used extensively for parking by patrons of bars and restaurants in the area.

15. By letter dated June 3, 1987, Advisory Neighborhood Commission (ANC) 6B opposed the application based on the following:

- a. The requested relief would further exacerbate existing severe parking congestion in the area.
- b. All community residents who attended the ANC meetings on the subject case were opposed to the application.
- c. The applicant presented no documentation of good faith efforts to secure parking at existing surface lots or parking garages in the area.
- d. The applicant did not inform the ANC of the existing Certificate of Occupancy or that classes were underway.
- e. The ANC was of the opinion that the proposed use, if granted, while not inappropriate for the area, should be limited in the way classes are offered, the number of sessions available, and arrangements for ten off-street parking spaces should be required.

16. The Department of Public Works (DPW), by memorandum dated June 2, 1987, offered no objection to the application. The DPW was of the opinion that site constraints prevented the applicant from providing parking on-site. The DPW was further of the opinion that the proximity of the site to public transportation, commercial parking facilities, and its use during off peak hours would mitigate any adverse impacts on the local parking supply. The DPW recommended that the applicant reserve parking spaces in the

nearby garage for use of the school. The Board concurs with the recommendations of the DPW.

17. In addressing the issues and concerns of the Advisory Neighborhood Commission and the Capitol Hill Restoration Society, the Board finds that, as hereinafter conditioned, the proposal will have a negligible impact on the existing parking situation in the immediate area.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires evidence of a practical difficulty upon the owner arising out of some exceptional situation or condition inherent in the property. The Board further must find that the relief will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan.

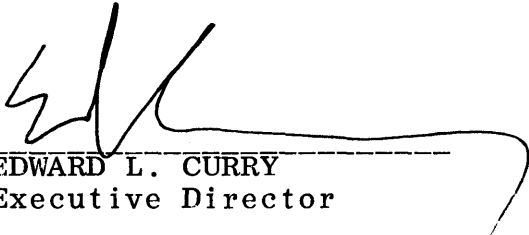
The Board concludes that the applicant has met the necessary burden of proof. The site constraints caused by the existing structure which pre-dates the Zoning Regulations creates an exceptional condition of the property. The Board concludes that the strict application of the Zoning Regulations would result in a practical difficulty upon the owner.

The Board further concludes that, as hereinafter **CONDITIONED**, the requested relief can be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map. Accordingly, it is **ORDERED** that the application is **GRANTED**, **SUBJECT** to the **CONDITION** that the Certificate of Occupancy shall be issued for the period for which the applicant can demonstrate a lease for two parking spaces at a commercial parking facility within 1,000 feet of the subject site reserved for the exclusive use of the school.

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: FEB 26 1988  
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UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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